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FM AMEMBASSY ASUNCION
TO RUEHC/SECSTATE WASHDC 4372
INFO RUCNMER/MERCOSUR COLLECTIVE

UNCLAS ASUNCION 000600

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STATE FOR SCT AND INL

E.O. 12958: N/A
TAGS: [PTER](#) [KCRM](#) [PA](#)
SUBJECT: PARAGUAY: BRAZIL REBUFFS GOP BID TO EXTEND
BARAKAT'S EXTRADITION

¶1. Brazil extradited Lebanese citizen Assad Barakat to Paraguay on tax evasion charges in March 2003. In June 2003, he was convicted and sentenced to six years. Shortly thereafter, Paraguay requested an extension of his extradition so that he could be prosecuted on charges of bank fraud.

¶2. On 5/18, Brazil's PolCouns Antonio DaCosta told PolCouns that Paraguay's request for an extension of Barakat's extradition had prompted Brazil to reconsider the terms of his original extradition. Upon review, Brazil discovered that Barakat had been extradited to Paraguay but on the explicit condition that his term not exceed 5 years which is the maximum term to which he would have been subject for the same offense in Brazil. DaCosta advised that not only had Brazil decided to reject Paraguay's request for an extension of Barakat's extradition but was formally calling upon the GOP to explain its non-compliance with the original terms of extradition. DaCosta also remarked that the prosecutor in Barakat's case had himself recently been convicted of corruption and maintained that Barakat's conviction was based on very thin grounds calling into question the bonafides of the conviction.

¶3. Juan Emilio Oviedo, the Director of the Attorney General's International Relations Office, admitted that Paraguay had erred in not complying with Brazil's terms relating to the original extradition of Barakat. He maintained Paraguay could not/not now change Barakat's sentence post facto. He acknowledged that Paraguay allows for the early release on good behavior of convicts upon serving two-thirds of their sentence if they have not been convicted prior of any another offense. While he was reluctant to speculate Paraguay's legal system would agree to Barakat's early release on these terms, he acknowledged it as a possibility. DaCosta spoke directly to the same provision as a way for Paraguay to "correct" its error in sentencing Barakat to six years.

¶4. In April, the Paraguayan press reported that Brazil's Foreign Ministry had decided to cancel Paraguay's request for an extension of Barakat's extradition on grounds that Paraguay's Embassy in Brasilia had not responded to GOB petitions. Brazilian PolCouns DaCosta knew nothing of this matter. Oviedo of the Attorney General's Office speculated the report could have misconstrued the GOP's response to a GOB request that it inform Barakat of Paraguay's decision to pursue an extension of his extradition. Oviedo maintained that the GOP informed Barakat's lawyer of its decision but not through a legal motion as Brazil may have expected. According to Oviedo, Paraguay's MFA informed Brazil of its action so that when Brazil apparently petitioned Paraguay a second time to inform Barakat of its decision to extend his extradition, the GOP chose not to answer Brazil's petition.

In any case, this matter is moot as according to Brazil's Embassy here Brazil has decided to reject the extension request and appeal the sentence deriving from the original conviction.

CASON